

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE  
Case No. 03-40280-nmg  
2004 MAY -5 P 12:15

RAYMOND A. VEZINA, )  
Plaintiff )  
 )  
vs. )  
 )  
DEPARTMENT OF THE ARMY )  
and THE SECRETARY OF THE ARMY )  
Defendants )

U.S. DISTRICT COURT  
DISTRICT OF MASS.

**MOTION TO AMEND PLAINTIFF'S COMPLAINT AS A MATTER OF COURSE**

Now comes the Plaintiff Raymond A. Vezina, and amends his Complaint as of course pursuant to the provisions of Fed.R.Civ.P. 15(a). Plaintiff, through inadvertence and mistake, filed his Complaint with an incorrect jurisdictional section. Plaintiff has not moved to amend his Complaint previously.

Plaintiff moves to amend his Complaint by substituting paragraphs four (4) and five (5) as follows:

- 4) The United States Court of Federal Claims has jurisdiction over this matter pursuant to 28 U.S.C. §1491(a)(1).
- 5) The actions of the Defendants upon which Plaintiff demands relief were pursuant to contract with a duly constituted agency, and the head of said agency, of the United States. The amount in controversy exceeds the sum of \$10,000.00, exclusive of interest and costs.

The Plaintiff is filing a simultaneous Motion for Transfer due to the consequences of this

Motion to Amend Plaintiff's Complaint as a Matter of Course and in response to the Defendants'

Motion to Dismiss filed April 15, 2004.

In support of this motion, the Plaintiffs refer to the record including the Complaint and the affidavit of Plaintiffs' attorney attached.

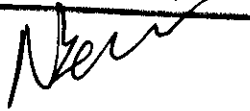
Raymond A. Vezina  
Plaintiff,  
By his Attorney,



Neil J Berman  
109 College Avenue  
Somerville, MA 02144  
(617) 628-1563  
BBO #566-784

Date: 5-3-04

CERTIFICATE OF SERVICE  
I hereby certify that a true copy of the  
above document was served upon the  
attorney of record for each other party  
by mail ~~hand~~ on 5-4-04



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RAYMOND A. VEZINA,                     )  
    Plaintiff                             )  
  )  
vs.   )  
  )  
DEPARTMENT OF THE ARMY             )  
and THE SECRETARY OF THE ARMY     )  
    Defendants                            )

AFFIDAVIT OF NEIL J. BERMAN, ESQ.

I, Neil J. Berman, being duly sworn according to law, under oath depose and say:

1. I am an attorney representing Plaintiff Raymond A. Vezina in the above-entitled action. I am a member of the Bar of the Commonwealth of Massachusetts.
2. In my representation of Mr. Vezina I filed a Complaint in this Court on December 12, 2003.
3. Through inadvertence and mistake I failed to correctly state the jurisdictional section of the Complaint.
4. No previous Motion to Amend Mr. Vezina's Complaint has been made.

Signed under the pains and penalties of perjury this 3 day of MAY, 2004.

  
Neil J. Berman, Esq.